REMARKS

Claims 1-7, 9-18, and 32-34 are currently pending in the subject application and are presently under consideration. A clean version of all pending claims is shown at pages 2-5 of the Reply. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

I.   Rejection of Claims 1, 2, 4, 9-18, and 32-34 Under 35 U.S.C. §102(e)

Claims 1, 2, 4, 9-18, and 32-34 stand rejected under 35 U.S.C. §102(e) as being anticipated by Maissel *et al.* (U.S. 6,637,029). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Maissel *et al.* does not anticipate or suggest each and every element of the subject claims.

> For a prior art reference to anticipate, 35 U.S.C. §102 requires that *"each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

The subject claims relate to integrating considerations of temporality with collaborative filtering. In particular, independent claim 1 (and similarly independent claim 18) recites a database system that logs selections of information viewed by a user of the information delivery system and *logs temporal history related to a plurality of time subintervals* that correspond to the viewing of the selected information. Independent claim 1 (and similarly independent claim 18) further recites a collaborative filtering system that employs the *logged temporal history* and *disparate logged temporal history* from a plurality of disparate database systems to generate a *recommendation specific to the user* based at least in part on *information obtained from a plurality of users* related to a particular one of the plurality of *time subintervals*. Maissel *et al.* does not anticipate or suggest such claimed aspects.

More particularly, Maissel *et al.* fails to anticipate or suggest that a collaborative filtering system generates a *recommendation specific to the user* based at least in part on

6

information obtained from a plurality of users as claimed. In the Final Office Action, the Examiner contends that such aspects are disclosed by Maissel *et al.* at column 19, lines 27-46 and column 12, lines 23-34. (*See* Final Office Action dated August 25, 2005, pg. 2). Applicants' representative respectfully disagrees with such contentions. In particular, Maissel *et al.* notes that real-time information regarding a proportion or percentage of the audience viewing a particular program may be computed, transmitted to subscribers, and displayed. (*See* col. 19, ll. 20-30). An alert can inform a user that a program on another channel is currently being viewed by a large portion of the audience. (*See* col. 19, ll. 31-37). Additionally, Maissel *et al.* discloses that a graph can be displayed to indicate a proportion of the audience currently viewing a program. (*See* col. 19, ll. 38-43). However, these displays are not recommendations *specific to the user*. Rather, the displayed proportions, graphs, and alerts related to percentages of users watching particular programs are *similar for all users*. Accordingly, Maissel *et al.* fails to anticipate or suggest such claimed aspects.

Additionally, Maissel *et al.* does not anticipate or suggest employ[ing] the *logged temporal history* and *disparate logged temporal history* from a plurality of disparate collaborative filtering systems to make a recommendation specific to the user as recited in the subject claims. Thus, temporal history associated with a user as well as temporal histories associated with disparate users are employed to make a user specific recommendation. As noted above, Maissel *et al.* instead describes that real-time audience viewing information can be displayed. However, this information is not utilized to provide a user specific recommendation. Additionally, the real-time audience viewing information is not a logged temporal history; on the contrary, the real-time information is associated with currently viewed programs. (*See* col. 19, ll. 31-37). Maissel *et al.* further discloses that rating information, which can include information on general viewer popularity of a program based on ratings, can be used to modify a customization of a program guide. (*See* col. 14, ll. 38-46). However, Maissel *et al.* is silent regarding the rating information being from a plurality of disparate collaborative filtering systems as claimed. Therefore, Maissel *et al.* fails to anticipate or suggest such claimed aspects.

Moreover, Maissel *et al.* does not anticipate or suggest a database system that ... logs temporal history *related to a plurality of time subintervals* that correspond to the

7

viewing of the selected information. It is asserted in the Final Office Action that such aspects are disclosed by Maissel *et al.* at column 12, lines 26-28 and 40-45. (*See* Final Office Action dated August 25, 2005, pg. 3-4). Applicants' representative avers to the contrary. In particular, Maissel *et al.* discloses that information can be obtained over a period of time, and the period of time can be a few minutes, a year, or longer. (*See* col. 12, ll. 26-31). Maissel *et al.* additionally notes that an unlimited amount of time can be used to collect information. (*See* col. 12, ll. 41-43). Also, Maissel *et al.* discloses that old information can be eliminated from a profile or a profile may be reset. (*See* col. 12, ll. 41-45). Thus, Maissel *et al.* does not disclose logging temporal history related to a *plurality of time subintervals*; instead, Maissel *et al.* relates to obtaining information over an interval of time and discarding information from other time intervals. Accordingly, Maissel *et al.* fails to anticipate or suggest such claimed aspects.

Furthermore, Maissel *et al.* fails to anticipate or suggest that the user specific recommendation is generated *based on information ... related* to a *particular* one of the plurality of *time subintervals* as recited in the subject claims. The Final Office Action contends that "Maissel discloses that the viewer preference profile can include information obtained over a period of time and that any length of time can be used. Maissel explicitly discloses that the period of time may be as short as a few minutes or as long as a year or more." (*See* Final Office Action dated August 25, 2005, pg. 2-3) (citation and emphasis omitted). Applicants' representative disagrees with these contentions. As noted above, Maissel *et al.* relates to obtaining information over an interval of time that can be a minute or a year in length. Additionally, Maissel *et al.* discloses discarding information from other time intervals. Maissel *et al.*, however, is silent with regards to utilizing information from one time subinterval out of a time interval (*e.g.*, plurality of time subintervals), where the temporal history related to additional time subintervals is also logged (and not discarded). Thus, Maissel *et al.* does not anticipate or suggest such claimed aspects.

In view of at least the foregoing, it is readily apparent that Maissel *et al.* does not anticipate or suggest the subject invention as recited in independent claims 1 and 18 (and claims 2, 4, 9-17, and 32-34 which respectively depend there from). This rejection should be withdrawn.

II.   Rejection of Claims 3 and 5 Under 35 U.S.C. §103(a)

Claims 3 and 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Maissel *et al.* (U.S. 6,637,029) and Ferman *et al.* (U.S. 2002/0059584). It is respectfully submitted that this rejection should be withdrawn for the following reasons. Maissel *et al.* and Ferman *et al.*, individually or in combination, do not teach or suggest each and every element set forth in the subject claims. In particular, Ferman *et al.* does not make up for the aforementioned deficiencies of Maissel *et al.* with respect to independent claim 1 (which claims 3 and 5 depend from). Therefore, the subject invention as recited in claims 3 and 5 is not obvious over the combination of Maissel *et al.* and Ferman *et al.* Thus, it is respectfully submitted that this rejection be withdrawn.

III. Rejection of Claims 6 and 7 Under 35 U.S.C. §103(a)

Claims 6 and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Maissel *et al.* (US 6,637,029) and Hopple *et al.* (US 6,519,769). It is respectfully submitted that this rejection should be withdrawn for the following reasons. Maissel *et al.* and Hopple *et al.*, individually or in combination, do not teach or suggest each and every element set forth in the subject claims. In particular, Hopple *et al.* does not make up for the aforementioned deficiencies of Maissel *et al.* with respect to independent claim 1 (which claims 6 and 7 depend from). Therefore, the subject invention as recited in claims 6 and 7 is not obvious over the combination of Maissel *et al.* and Hopple *et al.* Thus, it is respectfully submitted that this rejection be withdrawn.

9

09/825,820   MS150904.01/MSFTP161US

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP

Michael J. Medley
Reg. No. 57,058

AMIN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731

10